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3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA
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6 HIEP D. LE,

7 Plaintiff,

8 vs.

9 EQUIFAX INFORMATION SERVICES, LLC.,

10 Defendant.
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Case No. 2:16-cv-02393-RFB-GWF

ORDER

12 This matter is before the Court on Plaintiff's Motion to File Documents Under Seal (ECF
13 No. 41), filed on September 28, 2017.

14 The Ninth Circuit comprehensively examined the presumption of public access to judicial
15 files and records in *Kamakana v. City and County of Honolulu*, 447 F.3d 1172 (9th Cir. 2006).
16 There, the court recognized that different interests are at stake in preserving the secrecy of materials
17 produced during discovery and materials attached to dispositive motions. The *Kamakana* court held
18 that a "good cause" showing is sufficient to seal documents produced during discovery. *Id.* at
19 1180. However, the *Kamakana* decision also held that a showing of "compelling reasons" is needed
20 to support the secrecy of documents attached to dispositive motions. A showing of "good cause"
21 does not, without more, satisfy the "compelling reasons" test required to maintain the secrecy of
22 documents attached to dispositive motions. *Id.*


23 *Kamakana* recognized that "compelling reasons" sufficient to outweigh the public's interests
24 in disclosure and justify sealing records exist when court records may be used to gratify private
25 spite, permit public scandal, circulate libelous statements, or release trade secrets. *Id.* at 1179
26 (internal quotations omitted). However, "[t]he mere fact that the production of records may lead to
27 a litigant's embarrassment, incrimination, or exposure to further litigation will not, without more,
28 compel the court to seal its records." *Id.*, citing, *Foltz v. State Farm Mutual Auto Insurance*

1 *Company*, 331 F.3d 1122, 1136 (9th Cir. 1995). To justify sealing documents attached to
2 dispositive motions, a party is required to present articulable facts identifying the interests favoring
3 continuing secrecy *and* show that these specific interests overcome the presumption of public access
4 by outweighing the public's interests in understanding the judicial process. *Id.* at 1181 (internal
5 citations and quotations omitted).

6 Plaintiff requests leave to file Exhibit 12 attached to his Response to Defendant's Motion for
7 Summary Judgment (ECF No. 39) under seal. Plaintiff represents that this exhibit contains
8 confidential, proprietary business records of Defendant, which were produced pursuant to the
9 stipulated Protective Order (ECF No. 21). *Motion* (ECF No. 41), pg. 2. While this alone is not a
10 sufficient compelling reason to justify an order from the Court sealing Exhibit 12, the Court has
11 already determined that Exhibit 12 should be filed under seal because it contains Plaintiff's personal
12 identifying information. *See Order* (ECF No. 35). Therefore, the Court will allow Exhibit 12 to
13 Plaintiff's Response to Defendant's Motion for Summary Judgment to be filed under seal in its
14 entirety. Accordingly,

15 **IT IS HEREBY ORDERED** that Plaintiff's Motion to File Documents Under Seal (ECF
16 No. 41) is **granted**.

17 DATED this 2nd day of October, 2017.

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20 GEORGE FOLEY, JR.
21 United States Magistrate Judge
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